

**CITY OF MORGAN HILL
JOINT REGULAR CITY COUNCIL AND
REDEVELOPMENT AGENCY MEETING
MINUTES – MAY 19, 2010**

CALL TO ORDER

Mayor/Chair Tate called the Joint Regular City Council and Redevelopment Agency meeting to order at 7:00 p.m.

ROLL CALL ATTENDANCE

Present: Council Members: Carr, Lee, Librers, Sellers, Tate
Absent: Council Members: None

DECLARATION OF POSTING OF AGENDA

Deputy City Clerk McVay certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

Proclaim May 2010 as Aquatic Month

Mayor Tate presented the proclamation to members of Splash. Maureen thanked the CC for the proclamation and shared that Splash is the City's ambassador for the summer season, shared many of the programs offered by the City, and completion of the Centennial Recreation Center.

PRESENTATIONS

Business Recycler of the Year: Fox Racing

Mayor Tate announced that this item would be held over to a future meeting, Fox Racing was unable to attend.

CITY COUNCIL REPORTS

Council Member Carr spoke of the emotions related to the Live Oak Campus incident on May 5, 2010 related to the flag displays. Council Member Carr shared that he supports individual rights and ability to wear patriotic t-shirts and values the diversity that makes Morgan Hill strong. He trusts that the school district will use this experience as a teachable moment.

Mayor Tate reported on his attendance at the Morgan Hill Unified School District (MHUSD) and reflected on impacts to the community, he spoke of the positives of Morgan Hill and the community, and that he looks forward to working with the MHUSD board and the community.

Mayor Tate spoke of the establishment of water district boundaries, the guiding principles, South County representation and map that was advocated by Morgan Hill and Gilroy that would benefit South County.

Council Member Sellers reported on the Silicon valley Leadership Group trip to Washington DC and the pending legislation that affects the City's flood control matters. City Manager Sellers spoke of meetings with various senators and congressional members concerning the flood issues in Morgan Hill; and the progress made thus far while contemplating alternatives should the environmental committee's development act extension not pass.

CITY MANAGER'S REPORT

City Manager Tewes commented on the 2,000 square foot addition at the Centennial Recreation Center (CRC), the new equipment and the opportunity to enjoy the CRC.

City Manager Tewes shared that there are several handouts and materials at the dais, which include information related to an amendment for Redevelopment Agency Item 16, City Council items 20, 24 and 25. City Manager Tewes also shared that Ms. Dasovic provided additional information related to City Council Item 25.

CITY ATTORNEY'S REPORT

City Attorney Wan had no reports.

OTHER REPORTS

None Reported

PUBLIC COMMENT

Brian Subia spoke of the struggling Western Recycle business that has been located in the City for many years and requested support of the City.

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

Mayor/Chair Tate announced that there were changes to the Agenda as noted by the City Manager.

Action: *On a motion by Council/Agency Member Carr and seconded by Council/Agency Member Sellers Adopting the Agenda as posted. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

City Council Action

CONSENT CALENDAR:

Action: *On a motion by Council/Agency Member and seconded by Council/Agency Member **Approving** the Consent Calendar Items 1 through 10, 12 through 15 and 17 through 18. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

1. **Pool Cover Purchase**
Recommended Action(s): **Approving** the purchase of pool covers for the Morgan Hill Aquatics Center from Knorr Systems, Inc.
2. **Adopt Ordinance No. 1977, New Series An Ordinance of the City Council of the City of Morgan Hill approving a zoning amendment to amend Ordinance No. 1947, N.S. which established a planned development overlay zone and precise plan for a horizontal mixed use development on a 1.1-acre site located at 17770 Monterey Road in the CL-R zoning district**
Recommended Action(s): **Waiving** the reading; and **Adopting** Ordinance No. 1977, New Series, and declaring that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
3. **Adopt Ordinance No. 1978, New Series An Ordinance of the City Council of the City of Morgan Hill approving a zoning amendment to establish a planned development overlay zone and adopt a precise development plan for a 68-unit residential project on a 9.35-acre site located between Condit Road and Murphy Avenue, approx. 300 ft North of E. Dunne Avenue, in an R2 (3,000) zoning district**
Recommended Action(s): **Waiving** the reading; and **Adopting** Ordinance No. 1978, New Series, and declaring that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
4. **Adopt Ordinance No. 1979, New Series An Ordinance of the City Council of the City of Morgan Hill approving a development agreement application DA-09-03 for application MC-08-22: Murphy-Pancal**
Recommended Action(s): **Waiving** the reading; and **Adopting** Ordinance No. 1979, New Series, and declaring that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.
5. **First Amendment to Consultant Agreement with Willdan Financial Services**
Recommended Action(s): **Authorizing** the City Manager to execute the First Amendment to the City's Consultant Agreement with Willdan Financial Services.
6. **Award of East Dunne Avenue – Hill Road Storm Improvements Phase II Project**
Recommended Action(s):
 1. **Approving** project plans and specifications; and
 2. **Awarding** contract to Monterey Peninsula Engineering of Monterey, California, for the construction of the East Dunne – Hill Road Storm Improvements Phase II Project # 421004 in the amount of \$621,450; and
 3. **Authorizing** expenditure of construction contingency funds not to exceed \$93,218.

7. **Award of 2010 Sanitary Sewer Pipe Televising Project**
Recommended Action(s):
 1. **Approving** project plans and specifications; and
 2. **Awarding** contract to ABC Services of Sacramento, California, for the construction of the 2010 Sanitary Sewer Pipe Televising Project in the amount of \$25,670; and
 3. **Authorizing** expenditure of construction contingency funds not to exceed \$3,850.
8. **Reject Bids for Galvan Park Soccer Field Grading and Irrigation Replacement Project**
Recommended Action(s): **Rejecting** all bids received on May 6, 2010 for Galvan Park Soccer Field Grading and Irrigation Replacement Project; and **Authorizing** staff to re-bid the project.
9. **Residential Development Control System (RDCS) 2010 Quarterly Report #1**
Recommended Action(s): **Accepting** and filing the RDCS First Quarter Report for 2010.
10. **Biannual Vacancy Report**
Recommended Action(s): **Establishing** the biannual vacancy rate for April 2010 as recommended by the Planning Commission.
11. **Amendment of Memorandum of Understanding with the City of Morgan Hill Police Officers Association (POA)** (Pulled for Discussion by Public)
Recommended Action(s): **Approving** the amended Memorandum of Understanding with the Morgan Hill Police Officers Association (POA) effective July 1, 2010 – June 30, 2013.
12. **Amendment of Memorandum of Understanding with the Community Service Officers Association (CSOA)**
Recommended Action(s): **Approving** the amended Memorandum of Understanding with the Community Service Officers Association (CSOA) effective July 1, 2010 – June 30, 2013.
13. **April 2010 Financial & Investment Reports**
Recommended Action(s): **Accepting** and filing report.

Redevelopment Agency Action

CONSENT CALENDAR:

14. **Proposal from the Morgan Hill Downtown Association (MHDA)**
Recommended Action(s): **Accepting** MHDA proposal for review and consideration as part of the FY 10-11 budget approval process.
15. **April 2010 Financial & Investment Reports**
Recommended Action(s): **Accepting** and filing report.

16. **Authorize Executive Director to Execute an Option Agreement and other related documents with Llagas Valley Investments LLC. for 95 East Third Street** (Supplement received and filed) Amended (Pulled for Discussion by Public)
Recommended Action(s): Adopting Resolution Authorizing Executive Director to execute an Option Agreement, Memorandum of Option and Option Termination Agreement in an amount not to exceed \$1,705,000 subject to legal counsel review and approval, to secure an Option to Purchase 95 East Third Street (Commonly known as Depot Center).

City Council and Redevelopment Agency Action
CONSENT CALENDAR:

17. **Approving the Special City Council and Joint Regular City Council and Redevelopment Agency Meeting Minutes for April 28, 2010**
18. **Approving the Special City Council and Joint Regular City Council and Redevelopment Agency Meeting Minutes for May 5, 2010**

City Council Consent Calendar Items Pulled for Discussion

11. **Amendment of Memorandum of Understanding with the City of Morgan Hill Police Officers Association (POA)** (Pulled for Discussion by Public)
Recommended Action(s): Approving the amended Memorandum of Understanding with the Morgan Hill Police Officers Association (POA) effective July 1, 2010 – June 30, 2013.

Frank Manocchio commented on the various labor groups' willingness to negotiate with the City and shared that City may be limiting future decisions prior to the workshop.

Council Member Sellers shared that the valuable tool there has been a long-term budget and approach with labor groups and change in circumstances may warrant additional changes.

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee **Approving** the Consent Calendar Item 11. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Redevelopment Agency Consent Calendar Items Pulled for Discussion

16. **Authorize Executive Director to Execute an Option Agreement and other related documents with Llagas Valley Investments LLC for 95 East Third Street** (Supplement received and filed) Amended (Pulled for Discussion by Public)
Recommended Action(s): Adopting Resolution No. MHRA-315 Authorizing Executive Director to execute an Option Agreement, Memorandum of Option and Option Termination Agreement in an amount not to exceed \$1,705,000 subject to legal counsel review and approval, to secure an Option to Purchase 95 East Third Street (Commonly known as Depot Center).

Frank Manocchio spoke of the appraisal included in the agenda packet; and past and current values of land in Morgan Hill.

Executive Director Tewes assured the City Council that the property is appraised at fair market value.

Action: *On a motion by Agency Member Sellers and seconded by Agency Member Librers Approving the Consent Calendar Item 16 with Amendments. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

City Council Action

PUBLIC HEARINGS:

19. **Application ZA-10-01: Amending MHMC Chapter 18.78 Regarding Residential Development Control System (RDSC) Standards and Criteria**
Recommended Action(s)
1. **Open/Close** Public Hearing; and
 2. **Make a Determination** that the Text Amendments are Exempt from CEQA; and
 3. **Waive** the first and second reading of the Ordinance; and
 4. **Introduce** Ordinance (roll call vote).

Planning Manager Rowe presented the staff report.

In response to Council Member Carr concerning housing fees and CDBG supplementing funding, Planning Manager Rowe shared that the City can restrict the housing fund for specific purposes or restricted activities.

Council Member Carr commented that the action tonight is not about changing the housing policy fee.

Mayor Tate opened the public hearing at 7:38 p.m., hearing no requests to speak. The public hearing was closed.

Council Member Sellers commented on setting aside funds and supports flexibility in not restricting funds.

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr **Determining** that the Text Amendments are Exempt from CEQA. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr **Waiving** the first and second reading of Ordinance No. 1980. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr **Introducing** Ordinance No. 1980, New Series An Ordinance of the City Council of the City of Morgan Hill amending Article II, The Standards and Criteria of the Residential Development Control System as set forth in Chapter 18.78 of the Morgan Hill Municipal Code. (Title Read Into record). The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

20. Development Agreement Amendments for: (Supplement received and filed)

- A. **DAA-04-09E: East Dunne-Jasper Park;**
- C. **DAA-06-02D: San Pedro-Alcini;**
- D. **DAA-06-04B: Diana-Chan;**
- E. **DAA-07-03A: E. Central-UHC;**
- F. **DAA-08-01: Myrtle-Latala; and**
- G. **DAA-08-02: Diana-EAH**

Recommended Action(s)

- 1. **Open/Close** Public Hearing on each Item: A, C through G; and
- 2. **Waive** the first and second readings of each Ordinance; and
- 3. **Introduce** Ordinances for Items A, C through G.

Senior Planner Linder presented the staff report for each of the projects.

In response to Council Member Libers concerning an extension for Myrtle-Latala, Item F, Senior Planner Linder shared that additional time is needed for smaller builders related to financing limitations.

Mayor Tate opened the public hearing at 7:47 p.m., hearing no requests to speak. The public hearing was closed.

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee **Waiving** the first and second reading of Ordinance No. 1981. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee **Introducing** Ordinance No. 1981, New Series an Ordinance of the City Council of the City of Morgan Hill approving an amended development agreement for the Jasper Park project located at the southwest corner of East Dunne Avenue and San Benancio Drive. (Title Read Into record). The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Mayor Tate opened the public hearing at 7:48 p.m., hearing no requests to speak. The public hearing was closed.

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee **Waiving** the first and second reading of Ordinance No. 1982. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee **Introducing** Ordinance No. 1982, New Series an Ordinance of the City Council of the City of Morgan Hill approving an amended development agreement for the San Pedro Alcini project located at the northwest corner of San Pedro Avenue and Church Street. (Title Read Into record). The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Mayor Tate opened the public hearing at 7:49 p.m.

Maureen Upton thanked the City Council for their support of the item.

Hearing no further requests to speak. The public hearing was closed at 7:50 p.m.

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee **Waiving** the first and second reading of Ordinance No. 1983. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee **Introducing** Ordinance No. 1983 New Series an Ordinance of the City Council of the City of Morgan Hill approving an amended development agreement for the Sherimar Ranch project located on the south side of Diana Avenue 500 Feet east of Murphy Avenue. (Title Read Into record). The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Mayor Tate opened the public hearing at 7:50 p.m., hearing no requests to speak. The public hearing was closed.

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee **Waiving** the first and second reading of Ordinance No. 1984. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee **Introducing** Ordinance No. 1984, New Series an Ordinance of the City Council of the City of Morgan Hill amending the development agreement for the E. Central-UHC project located at the southeast corner of E. Central and McLaughlin Avenue. (Title Read Into record). The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Mayor Tate opened the public hearing at 7:51 p.m., hearing no requests to speak. The public hearing was closed.

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee Waiving the first and second reading of Ordinance No. 1985. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee Introducing Ordinance No. 1985, New Series an Ordinance of the City Council of the City of Morgan Hill amending the development agreement for the Myrtle-Latala project located on the south side of Myrtle Avenue 125 ft. east of Monterey Road. (Title Read Into record). The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Mayor Tate opened the public hearing at 7:52 p.m., hearing no requests to speak. The public hearing was closed.

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee Waiving the first and second reading of Ordinance No. 1986. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee Introducing Ordinance No. 1986, New Series an Ordinance of the City Council of the City of Morgan Hill amending the development agreement for the EAH project located at the northeast corner of East Dunne Avenue and the Railroad. (Title Read Into record). The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Council Member Carr announced that he lives within 500 feet of the project and excused himself from the Dais.

21. **Development Agreement Amendment for DAA-05-07F: Wright Ave-Manana (Dividend Homes)**
Recommended Action(s)
1. **Open/Close** Public Hearing; and
2. **Waive** the first and second readings of the Ordinance; and
3. **Introduce** Ordinance.

Senior Planner Linder presented the staff report, and responded to questions.

Mayor Tate opened the public hearing at 7:55 p.m.

Dick Oliver thanked the City Council for their support.

Hearing no further requests to speak. The public hearing was closed at 7:56 p.m.

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee Waiving the first and second reading of Ordinance No. 1987. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Carr Recused).*

Action: *On a motion by Council Member Sellers and seconded by Council Member Lee Introducing Ordinance No. 1987, New Series an Ordinance of the City Council of the City of Morgan Hill approving an amended development agreement for the Wright Avenue-Manana project located at the*

northwest corner of Wright Avenue and Hale Avenue. (Title Read Into record). The motion passed by the following vote: Ayes: 4, Noes: 0; Absent: 1 (Carr Recused).

Council Member Carr resumed his seat at the Dais.

22. Development Agreement for DA 09-02: Clayton-O'Brien

Recommended Action(s)

1. **Open/Close** Public Hearing; and
2. **Waive** the first and second readings of the Ordinance; and
3. **Introduce** Ordinance.

Planning Manager Rowe presented the staff report.

Mayor Tate opened the public hearing at 7:58 p.m., hearing no requests to speak. The public hearing was closed.

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr **Waiving** the first and second reading of Ordinance No. 1988. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr **Introducing** Ordinance No. 1988, New Series an Ordinance of the City Council of the City of Morgan Hill approving a development agreement for application MC-08-13: Clayton-O'Brien (APN 726-48-012). (Title Read Into record). The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

City Council Action

OTHER BUSINESS:

23. City Manager's Recommended Fiscal Year 2010-11 Budget and Capital Improvement Program

Recommended Action(s): **Receive** the City Manager's Recommended Fiscal Year 2010-11 Budget and Capital Improvement Program.

Budget Manager Forbis presented (Presentation Filed) the staff report.

Mayor Tate shared that the budget workshop provides an opportunity for staff and the City Council to discuss options.

Mayor Tate opened the public comment, hearing no requests to speak, public comment was closed.

No motion required.

Mayor Tate called a recess at 8:06 p.m. and reconvened the meeting at 8:12 p.m.

24. Outdoor Sports Center Operator Selection (Supplements received and filed)

Recommended Action(s):

1. **Select** the Morgan Hill Youth Sports Alliance as the Outdoor Sports Center Operator;
and
2. **Direct** Staff to negotiate a mutually beneficial operating agreement.

Recreation and Community Services Director Rymer presented (Supplement and Presentation received and filed) the staff report and shared that two pages were inadvertently not included in the agenda packet.

Mayor Tate opened the public comment.

The following speakers spoke on Agenda Item 24:

- Chris Blocker, Morgan Hill Pony Baseball President
- Steve Lowney
- James Gray
- Benjamin Zeimer, Norcal Premier Soccer
- Dan Kenney
- Gabe Rood
- Fred Wilson works with and represents Mustang Soccer and San Jose Earth Quakes Youth Academy respectively
- David Dworkin, Holiday Inn representative (presentation and handouts filed)
- Don Naumann
- Kathi Killion, California Youth Soccer Association (CYSA) Programs Coordinator
- Neha Roy, Holiday Inn representative
- Tony Rodrigues
- Margaret Gordon, CYSA Accounting Manager
- San Panwala (handout filed)
- Sunil Patel

Hearing no further requests to speak, public comment was closed.

Council Member Sellers spoke of the risks taken by the City Council in bringing sports fields to Morgan Hill and the goals set for the selection process, provide broader sports operations and relay on Parks and Recreation Commission comments. Council Member Sellers spoke of ensuring that the economic benefits of the facility increase and are enhanced in future years while mitigating issues.

Council Member Lee spoke of her discussion with Morgan Hill Youth Sports Alliance (MHYSA) and their future goals for the fields, and requested that each organization continues support of the other; and requested that MHYSA provide updates and review the lease in two years.

Council Member Carr spoke of the RFP objectives and the ability to eliminate risk by requesting a RFP; and he spoke of community access to field sites and ensuring diverse use of fields. Council Member Carr spoke of making a commitment to make field sites a priority.

Council Member Librers spoke about the financial aspects of each organization and the tax implications to being a non-profit organization. Council Member Librers also spoke of the parking revenue, and local teams benefiting from concession profits and dependence on concession funds by teams to purchase and supply support to purchase equipment and team supplies.

Mayor Tate shared his disappointment that the two organizations could not compromise, and the demand of the fields, he spoke of risks taken and the opportunity for other sports organizations to use the sports fields. Mayor Tate shared that the local regional balance is a systematic approach to get local teams to work together.

Council Member Sellers suggested that the comments made by Recreation and Community Services Director Rymer that a decision be made tonight and include comments by Council Member Librers to reflect language concerning tax implications and board member restrictions be addressed in the negotiations.

Council Member Lee requested that the motion include a two-year lease for MHYSA allowing an opportunity for review and obtain quarterly reports from MHYSA.

Council Member Carr supports the review opportunity and quarterly updates.

Council Member Lee shared that a two-year review would provide the City information on the progress of MHYSA.

City Manager Tewes spoke of revenue opportunities for investment and amortized investments.

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr **Selecting** Morgan Hill Youth Sports Alliance as the Outdoor Sports Center Operator; and **Directing** staff to negotiate a mutually beneficial operating agreement to include language concerning tax implications and board member restrictions, a two-year lease and receive quarterly updates. The motion passed by the following vote: Ayes: 4; Noes: 1 (Librers); Absent: 0.*

25. Concerns Related to Third Street Promenade Improvements from Resident on E. Third Street (Supplement received and filed)

Recommended Action(s): Affirm staff proposed resolutions or provide alternate direction.

Deputy Director of Public Works Bjarke presented the staff report (Supplement and presentation received and filed) and spoke of Ms. Dasovic's rebuttal document that was received on the afternoon of May 19, 2010 in response to his supplemental document.

In response to Council Member Librers regarding the drainpipe and cinder blocks that run parallel to the fence line, Deputy Director of Public Works Bjarke shared that the drain pipe runs from the gutter from the roof of the commercial building and drains onto the patio. Deputy Director of Public Works shared that the cinder blocks were not placed there by the City.

In response to Council Member Lee concerning sidewalk grades on other properties, Deputy Director of Public Works Bjarke shared that the grades visually appear fine and have received no other complaints.

Mayor Tate opened the public comment at 9:35 p.m.

Diane Dasovic read the materials she provided to the City Council this afternoon and immediately prior to the start of the City Council meeting concerning improvements, vehicle violations, repairs and adjustment to improvements made, grades not matching, and obtaining quotes. (Two handouts filed). Ms. Dasovic requested solutions and did not support the solutions offered.

Hearing no further requests to speak, public comment was closed at 9:49 p.m.

In response to Council Member Sellers concerning fixing the fence at the 95 East Third Street, Deputy Director of Public Works Bjarke shared that it could be done with difficulty.

In response to Council Member Lee concerning repairs to 95 East Third Street and retrieval of materials that go over the fence, Ms. Dasovic responded that they are flexible and can work out way to allow access.

City Council Member Sellers commented on the sidewalk grading, the parking will be an ongoing issue and taking aggressive measures to reduce parking issues.

In response to Mayor Tate concerning the uniform appearance of the grade separation, Council Member Sellers shared that Ms. Dasovic does not want to address the grade separation until the fence issue is resolved and finding a solution and address both. Mayor Tate shared that he is not interested in the matter coming back to Council.

Ms. Dasovic spoke from the audience and was inaudible.

Council Member Carr commented on some conclusion of the fence and the grade separation, and that solutions suggested by the property owner may have created additional issues.

Ms. Dasovic stated that enforcement does not prevent problem.

Council Member Lee asked if there was a way of placing temporary attractive cones at those parking spots, Deputy Director of Public Works Bjarke shared that they will see if non-anchored cones are an option.

Ms. Dasovic spoke from the audience and was inaudible.

Deputy Director of Public Works Bjarke shared that any measures taken may not solve problem 100% of the time.

Council Member Carr spoke of parking issues before and after work began on Third Street and living in an urban environment creates issues. He shared that as a result of the success of Third Street Promenade and efforts have been made and will continue.

Staff direction provided for repairs to the fence and continue parking enforcement measures to eliminate or reduce parking issues.

26. Urban Storm Water Quality Management and Discharge Control Ordinance
Recommended Action(s):

1. **Waive** the first and second reading of Ordinance; and
2. **Introduce** Ordinance; and
3. **Authorize** staff to purchase two (2) car wash kits and loan them to nonprofit car washes on a first come basis.

Environmental Programs Administrator Eulo presented the staff report.

In response to Council Member Librers concerning permit and fee requirements other than equipment rental, Environmental Programs Administrator Eulo shared that a process exists where people come to the City who are interested in operating car washes, this process will requiring more information.

In response to Council Member Lee concerning stormwater drainage, Environmental Programs Administrator Eulo shared that the runoff goes into local creeks and stormwater is discharged without being treated.

Mayor Tate opened the public comment, hearing no requests to speak, public comment was closed.

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr **Waiving** the first and second reading of Ordinance No. 1989. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr **Introducing** Ordinance No. 1989, New Series an Ordinance of the City of Morgan Hill Establishing Chapter 13.30 (Urban Storm Water Quality Management and Discharge Control) and amending Section 1.24.010 (Violations deemed a misdemeanor – penalty) of the Municipal Code of the City of Morgan Hill to reduce water pollution and protect water quality and specify that violations are misdemeanors. (Title Read Into record). The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Action: *On a motion by Council Member Sellers and seconded by Council Member Carr **Authorizing** staff to purchase two (2) car wash kits and loan them to nonprofit car washes on a first come basis. The motion passed by the following vote: Ayes: 5; Noes: 0; Absent: 0.*

Council Member Sellers announced that his business has a business relationship with a proponent of the Measure and excused himself from the Dais.

27. City Position on Proposition 16

Recommended Action(s):

1. **Adopt** Resolution Opposing Proposition 16; and
2. **Direct** Staff to Notify the "No on Proposition 16" Campaign of the City's Opposition.

Environmental Programs Administrator Eulo presented the staff report.

Mayor Tate opened the public comment.

Jeff Burris voiced his opposition to Proposition 16.

Hearing no further requests to speak, public comment was closed.

Action: *On a motion by Council Member Lee and seconded by Council Member Librers **Adopting** Resolution No. 6329 Opposing Proposition 16; and **Directing** staff to Notify the "No on Proposition 16" Campaign of the City's Opposition. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Sellers Recused).*

Council Member Sellers resumed his seat at the Dais.

28. Appoint Candidates to fill vacancies on the Parks & Recreation Commission

Recommended Action(s): **Appoint** candidates to fill three (3) four-year terms and appoint one (1) candidate to fill a vacancy that expires April 1, 2012.

Council Services Records Coordinator McVay presented the staff report.

Mayor Tate opened the public comment.

Hearing no further requests to speak, public comment was closed.

Action: *On a motion by Council Member Lee and seconded by Council Member Librers **Appointing** Mary Kaye Gerski, Kimberly Leiser and Craig van Keulen to fill the three (3) vacancies that expire on April 1, 2014 and Franklin Weiland to fill the vacancy ending on April 1, 2012. The motion passed by the following vote: Ayes: 4; Noes: 0; Absent: 1 (Sellers Abstain).*

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

None requested.

Mayor/Chair Tate convened to the Joint Regular City Council meeting to closed session meeting at 10:09 p.m.

City Council Action

CLOSED SESSION:

City Attorney Wan read the closed session item into the record.

OPPORTUNITY FOR PUBLIC COMMENT

None.

ADJOURN TO CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR:

Authority:	Pursuant to Government Code Section 54957.6
City Negotiators:	City Manager, City Attorney, Assistant to the City Manager
Employee Organization:	Morgan Hill Police Officers Association
	Employees Covered under Management Resolution No. 6304
	AFSCME Local 101
	Morgan Hill Community Service Officers Association

RECONVENE

Mayor/Chair Tate reconvened the meeting at 10:26 p.m.

CLOSED SESSION ANNOUNCEMENT

City Manager Tewes reported that no reportable action was taken during closed session.

ADJOURNMENT

There being no further business, Mayor/Chair Tate adjourned the meeting at 10:26 p.m.

MINUTES PREPARED BY:



TINA MCVAY, COUNCIL SERVICES RECORDS COORDINATOR